

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.24954 of 2007
RANJEET SRIVASTAVA & ORS
Versus
STATE OF BIHAR AND ANOTHER

For the petitioners	: Mr. Radha Mohan Singh, Advocate.
For the State	: Mr. Jharkhandi Upadhyay, A.P.P.
For O.P. No.2	: M/s. Arun Kumar Jha and Ashok Kumar, Advocates.

O R D E R

Three of the eight persons impleaded as accused in Complaint Case No.388 of 2004 have prayed for the quashing of the order dated 12.5.2004 passed therein by the learned Sub Divisional Judicial Magistrate, Muzaffarpur (East) , whereby he has taken cognizance of offences under Sections 498A , 323 I.P.C. and 3/4 of the Dowry Prohibition Act.

It will not be out of place to mention here that the petitioner no.1 is the nandosi (husband of husband's sister), petitioner no.2 is the nanad being the wife of petitioner no.1 and petitioner no.3 is the unmarried nanad (husband's sister) of the complainant.

The complainant, Mamta Kumari, impleaded herein as O.P. No.2, filed the aforesaid complaint on 27.4.2004 stating inter alia that her marriage with Ravi Ranjan was solemnized in the year 2003 whereat gifts worth Rs.2 lacs and other articles worth Rs.3 lacs were bestowed upon them. It has been alleged that a further demand of Rs.5 lacs in cash and 2 kathas of land in the town of Muzaffarpur was subsequently demanded by the accused persons at the time of

marriage but the marriage was solemnized at the intervention of the witnesses, well wishers and pleadings of her father. It is further alleged that with her entry in the matrimonial home she was taunted and harassed and was also informed that unless two kathas of land in the town of Muzaffarpur was given to them she would have no place in the matrimonial home and on objections being raised by her she was severely assaulted by the accused persons. The complainant claims to have informed her father regarding her tales of woe whereupon he came over with the witnesses and pleaded with them but he was told within a month he should either hand over the land as demanded or take away his daughter. It is said that in the mean time the accused persons took the complainant to Thane in Maharashtra where too she was subjected to assault at the hands of accused nos.1 and 7, namely, the husband and his cousin (Mausera Bhai). The complainant again claims to have informed her father whereupon her brother and uncle (witness nos.2 and 7) arrived at Thane and having informed the police brought back the complainant to Muzaffarpur and notwithstanding several attempts made by the father, brother and the uncle of the complainant to compromise the matter the accused persons remained adamant regarding the two kathas of land and not taking back the wife unless the land was handed over.

It appears that the allegations attributed to the petitioners are general and omnibus in nature without specifying any overt act which had been committed at the behest of any of the petitioners herein.

Such broad, omnibus and general statements are very dangerous in the administration of justice. No particular role has been attributed to any of the petitioners, so far as the torture of the complainant is concerned. The allegations as have been levelled against the petitioners appear to be improbable and presumably they have been made to figure as accused in the case only for the purpose of creating pressure.

In view of what has been discussed above, I am of the opinion that the prosecution of these petitioners would amount to an abuse of the process of the court.

Accordingly, this application succeeds, so far as these petitioners are concerned, and the impugned order as against them is hereby set aside.

(Abhijit Sinha,J)

Patna High Court, Patna.
Dated: The 29th of August, 2008.
Pradeep Srivastava/A.F.R.

